

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

WILLIAM JESSIE BROWN,

Petitioner,

v.

Case No. 13-15206

STEVEN RIVARD,

Respondent.

ORDER TO CORRECT DEFICIENCY

On December 20, 2013, Petitioner filed a “Motion to Hold Habeas Petition in Abeyance,” which it appears Petitioner intended to also serve as his habeas petition.

Habeas corpus petitioners must meet the heightened pleading standards set forth in the Rules Governing Section 2254 Cases. *McFarland v. Scott*, 512 U.S. 849, 855 (1994). In relevant part, Rule 2 of the Rules Governing Section 2254 Cases provides that a habeas petition must:

- (1) specify all the grounds for relief available to the petitioner;
- (2) state the facts supporting each ground;
- (3) state the relief requested;

Rule 2(c), Rules Governing Section 2254 Cases. In addition, the petition must “substantially follow either the form appended to [the habeas] rules or a form prescribed by a local district court rule.” Habeas Rule 2(d). “A prime purpose of Rule 2(c)’s demand that habeas petitioners plead with particularity is to assist the district court in determining whether the State should be ordered to ‘show cause why the writ should

not be granted.” *Mayle v. Felix*, 545 U.S. 644, 656 (2005) (citation omitted). The court has authority to dismiss any petition in which it plainly appears that the petitioner is not entitled to relief. Rule 4, Rules Governing Section 2254 Cases.

The pleading filed here by Petitioner, labeled a “Motion to Hold Habeas Petitioner in Abeyance,” does not meet the standards set forth in Rule 2 of the Habeas Rules. Petitioner does not state what conviction he is challenging, the facts supporting each ground for relief, nor does he substantially follow the form appended to the Rules Governing Section 2254 Cases or the form used by this district. Because of these deficiencies, the court is unable to perform its obligations under Rule 4 to preliminarily review the petition.

The court will therefore order Petitioner to file an amended petition, following either the form appended to the Rules Governing Section 2254 Cases or the form used by the courts in this district. The court will review any amended petition pursuant to Rule 4 of the Rules Governing Section 2254 Cases. Accordingly,

IT IS ORDERED that Petitioner is DIRECTED to submit a petition for writ of habeas corpus in compliance with Rule 2(d) within twenty-one (21) days of the date of this order. Failure to do so may result in the dismissal of this case.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: January 31, 2014

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, January 31, 2014, by electronic and/or ordinary mail.

s/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522